

UNITED STATES DISTRICT COURT

for the

Eastern District of Wisconsin

United States of America

v.

Whittier P. Ives  
(DOB: xx-xx-1969)

Case No. 22-m-679

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 4, 2022 in the county of Winnebago in the  
Eastern District of Wisconsin, the defendant(s) violated:

Code Section

Offense Description

Title 18, United States Code,  
Section 922(g)

Possession of a firearm by a prohibited person.

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.

Sworn via telephone; transmitted via email  
pursuant to Fed. R. Crim. 4.1

Date: 6/14/2022

City and state: Green Bay, Wisconsin

Brian D'Arcy Jr. 06/14/22 at 11:17 AM

Complainant's signature

FBI SA Brian D'Arcy

Printed name and title

JAMES R. SICKEL

Judge's signature

Hon. James R. Sickel

Printed name and title

JAMES R. SICKEL  
U.S. MAGISTRATE JUDGE

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN**

**AFFIDAVIT IN SUPPORT OF A  
CRIMINAL COMPLAINT AND ARREST WARRANT**

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been employed as such since July 2017. Upon graduation from the FBI Academy in Quantico, Virginia, I was assigned to the Milwaukee Division, Green Bay Resident Agency. Since arriving in Green Bay, I have been assigned to work on various criminal violations, to include fraud, child pornography, armed robberies, drug trafficking, and crimes occurring on Native American Reservations. I have experience in conducting criminal investigations involving suspects using electronic communications to orchestrate criminal activity. I have assisted in the execution of search warrants for the purpose of obtaining documents relating to various criminal activity. As a Special Agent of the FBI, I am authorized to investigate violations of the criminal laws of the United States and am a law enforcement officer with the authority to execute warrants issued under the authority of the United States.

2. This affidavit is being submitted for the limited purpose of a criminal complaint. Because this affidavit is being submitted for the limited purpose of establishing probable cause for a criminal complaint, I have not included every detail of this investigation. Rather, I have set forth only those facts necessary to establish probable cause. The information contained in this affidavit is based upon my review of reports and other evidence provided by officers of the Omro Police Department, all of whom I believe to be truthful and reliable.

3. On June 4, 2022, officers with the Omro Police Department responded to a report of an individual driving a black GMC Envoy with Wisconsin license plate 97014G who made

statements about killing people in Appleton. Omro Police Department (OPD) Lieutenant Cory Andersen located a vehicle matching the description, which subsequently pulled over in the 400-block of E. Huron Street in Omro, State and Eastern District of Wisconsin. As Lieutenant Andersen was behind the vehicle, a male quickly exited the vehicle and began walking back towards Andersen's squad car. Andersen immediately recognized the male as Whittier P. Ives, who he has known to make similar comments in the past. Lieutenant Anderson and OPD Officer Parnell pat searched Ives for weapons, finding none. As Lieutenant Andersen interviewed Ives, he noticed a strong odor of intoxicants coming from him. Following this, Officer Parnell conducted an Operating While Intoxicated (OWI) investigation and Ives was taken into custody for Operating While Intoxicated.

4. After being taken into custody, Ives' vehicle was searched incident to arrest. The vehicle was locked and Ives was not forthcoming about the location of the keys, so OPD officers used a lockout kit to unlock the car. During the search of the vehicle, which was conducted by OPD officers and Winnebago County Sheriff's Office deputies, a shoebox with the words Timberline Pro was located, which contained numerous magazines. Other magazines were found inside the vehicle, along with boxes of .223 ammunition. In the back of the vehicle, officers located a green Army-style duffle bag containing an approximately three-foot long object wrapped in duct tape. Lieutenant Andersen asked Ives what was in the bag and Ives refused to provide any information. Officers cut through the duct tape, inside of which was a wrap of plastic and a yellow shopping bag. Several rounds of .223 ammunition were found inside of the shopping bag. After continuing to unwrap the plastic and protective foam insulation, Lieutenant Andersen located what appeared to be an AR-15 style rifle that was in two pieces, which

included the barrel with the bolt as one piece and the stock with the trigger as another. The serial number was run through the National Criminal Information Center (NCIC) and had no wants.

5. Following the search, Lieutenant Andersen interviewed the individual who reported Ives' comments to law enforcement, Seth Hodgen. Hodgen explained that Ives used to be his neighbor and he had been storing some items for Ives in his storage shed for approximately five years. Around 6:30 PM on June 4, 2022, Ives stopped by Hodgen's house and said that he needed to get his stuff. Hodgen told Ives that it was not a good time and Ives left. Ives called Hodgen later in the evening and said that he was out at Springbrook drinking and was on his way back. Ives pulled into Hodgen's driveway and wanted Hodgen to get into his car. Hodgen told Ives that they would take his truck instead and they drove to the storage unit. While there, Hodgen grabbed Ives' green duffle bag and a shoe box. When Hodgen saw the shoe box opened, he observed magazines for a gun inside of it. Hodgen told Lieutenant Andersen that he knew there was a rifle in the duffle bag and was also aware that Ives was a convicted felon. After retrieving the items, Hodgen and Ives drove back to Hodgen's house. Ives asked Hodgen if he wanted to have a drink and Hodgen told Ives that he had to leave. While Hodgen was by Ives' car, Ives showed him a picture of a person on his phone. Ives said the individual was Russian and that he was going to go kill him, along with another person and a bunch of other people. He mentioned that these people were at a club in Appleton. Hodgen told Ives to leave and to not contact him again. He then contacted law enforcement regarding the incident. Hodgen also added that Ives made a comment that he had nothing to live for and he fucked up too much and will be the next mass shooter.

6. On June 7, 2022, Lieutenant Andersen obtained a copy of Whittier Ives' most recent Order of Commitment from the Winnebago County Department of Human Services. The


order, which was signed by Circuit Court Judge Daniel J. Bisselt on April 21, 2022, found that Ives had been adjudicated pursuant to 18 USC 922(g)(4) as a “mental defective” or committed to a mental institution. Additionally, it ordered that Ives was prohibited from possessing any firearm. Specifically, the order read, “The subject is prohibited from possessing any firearm. Federal law provides penalties for, and you may be prohibited from, possessing, transporting, shipping, receiving, or purchasing a firearm, including, but not limited to, a rifle, shotgun, pistol, revolver, or ammunition, pursuant to 18 USC 921(a)(3) and (4), and 922(g)(4). This prohibition shall remain in effect until lifted by the court. Expiration of the mental commitment proceeding does not terminate this restriction.”

7. I have also reviewed the arrest records of Whittier P. Ives which reflect a conviction in the State of California with a disposition date of February 25, 2009, for the offense of being a felon in possession of a firearm. The records further reflect that Ives was sentenced to 2 years imprisonment for that crime.

8. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that Whittier P. Ives has committed acts in violation of Title 18, United States Code, Section 922(g) – Prohibited Person in Possession of a Firearm both as someone adjudged to be a “mental defective” and based on his status as a convicted felon.

Brian M. D'Arcy 06/14/22 at 11:16AM  
Special Agent Brian D'Arcy  
Federal Bureau of Investigation

Subscribed and sworn before me this 14 day of JUNE, 2022.

  
The Honorable James R. Sickel  
United States Magistrate Judge

